



General Assembly

January Session, 2001

Amendment

LCO No. 7039

Offered by:

SEN. PENN, 23rd Dist.

To: House Bill No. 5103

File No. 214

Cal. No. 457

***"AN ACT CONCERNING THE PENALTY FOR ASSAULT OF
CIVILIAN DETENTION OFFICERS."***

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- 1 In line 1, before "Section" insert "Section 1."
- 2 After line 40, insert the following:
- 3 "Sec. 2. Section 7-294d of the general statutes is repealed and the
- 4 following is substituted in lieu thereof:
- 5 (a) The Police Officer Standards and Training Council shall have the
- 6 following powers:
- 7 (1) To develop and periodically update and revise a comprehensive
- 8 municipal police training plan;
- 9 (2) To approve, or revoke the approval of, any police training school
- 10 and to issue certification to such schools and to revoke such
- 11 certification;
- 12 (3) To set the minimum courses of study and attendance required

13 and the equipment and facilities to be required of approved police
14 training schools;

15 (4) To set the minimum qualifications for law enforcement
16 instructors and to issue appropriate certification to such instructors;

17 (5) To require that all probationary candidates receive the hours of
18 basic training deemed necessary before being eligible for certification,
19 such basic training to be completed within one year following the
20 appointment as a probationary candidate, unless the candidate is
21 granted additional time to complete such basic training by the council;

22 (6) To require the registration of probationary candidates with the
23 academy within ten days of hiring for the purpose of scheduling
24 training;

25 (7) To issue appropriate certification to police officers who have
26 satisfactorily completed minimum basic training programs;

27 (8) To require that each police officer satisfactorily complete at least
28 forty hours of certified review training every three years in order to
29 maintain certification, unless the officer is granted additional time not
30 to exceed one year to complete such training by the council;

31 (9) To renew the certification of those police officers who have
32 satisfactorily completed review training programs, provided such
33 police officers also meet the standards set forth in subdivision (21) of
34 this subsection;

35 (10) To establish uniform minimum educational and training
36 standards for employment as a police officer in full-time positions,
37 temporary or probationary positions and part-time or voluntary
38 positions;

39 (11) To visit and inspect police basic training schools and to inspect
40 each school at least once each year;

41 (12) To consult with and cooperate with universities, colleges and

42 institutes for the development of specialized courses of study for
43 police officers in police science and police administration;

44 (13) To consult with and cooperate with departments and agencies
45 of this state and other states and the federal government concerned
46 with police training;

47 (14) To employ an executive director and any other personnel that
48 may be necessary in the performance of its functions;

49 (15) To perform any other acts that may be necessary and
50 appropriate to carry out the functions of the council as set forth in
51 sections 7-294a to 7-294e, inclusive;

52 (16) To accept contributions, grants, gifts, donations, services or
53 other financial assistance from any governmental unit, public agency
54 or the private sector;

55 (17) To conduct any inspection and evaluation that may be
56 necessary to determine if a law enforcement unit is complying with the
57 provisions of this section;

58 (18) At the request and expense of any law enforcement unit, to
59 conduct general or specific management surveys;

60 (19) To develop objective and uniform criteria for granting any
61 waiver of regulations or procedures established by the council;

62 (20) To recruit, select and appoint candidates to the position of
63 probationary candidate, as defined in section 7-294a, and provide
64 recruit training for candidates of the Connecticut Police Corps
65 program in accordance with the Police Corps Act, 42 USC 14091 et
66 seq., as amended from time to time;

67 (21) To establish reasonable minimum standards for appointment as
68 a police officer or for recertification in accordance with the provisions
69 of subsection (a) of section 7-294e. Such standards shall relate to
70 physical, mental and moral fitness and shall govern the recruitment,

71 appointment and retention of all police officers.

72 (b) No person may be employed as a police officer by any law
73 enforcement unit for a period exceeding one year unless [he] such
74 person has been certified under the provisions of subsection (a) of this
75 section or has been granted an extension by the council. No person
76 may serve as a police officer during any period when [his] such
77 person's certification has been cancelled or revoked pursuant to the
78 provisions of subsection (c) of this section. In addition to the
79 requirements of this subsection, the council may establish other
80 qualifications for the employment of police officers and require
81 evidence of fulfillment of these qualifications. The certification of any
82 police officer who is not employed by a law enforcement unit for a
83 period of time in excess of two years, unless such officer is on leave of
84 absence, shall be considered lapsed. Upon reemployment as a police
85 officer, such officer shall apply for recertification in a manner provided
86 by the council. The council shall certify any applicant who presents
87 evidence of satisfactory completion of a program or course of
88 instruction in another state equivalent in content and quality to that
89 required in this state, provided [he] the applicant passes an
90 examination or evaluation as required by the council.

91 (c) (1) The council may refuse to renew any certificate if the holder
92 fails to meet the requirements for renewal of [his] the holder's
93 certification.

94 (2) The council may cancel or revoke any certificate if: (A) The
95 certificate was issued by administrative error, (B) the certificate was
96 obtained through misrepresentation or fraud, (C) the holder falsified
97 any document in order to obtain or renew any certificate, (D) the
98 holder has been convicted of a felony, (E) the holder has been found
99 not guilty of a felony by reason of mental disease or defect pursuant to
100 section 53a-13, (F) the holder has been convicted of a violation of
101 subsection (c) of section 21a-279 or section 29-9, (G) the holder has
102 been refused issuance of a certificate or similar authorization or has
103 had [his] a certificate or other authorization cancelled or revoked by

104 another jurisdiction on grounds which would authorize cancellation or
105 revocation under the provisions of this subdivision, [or] (H) the holder
106 has been found by a law enforcement unit, pursuant to procedures
107 established by such unit, to have used a firearm in an improper
108 manner which resulted in the death or serious physical injury of
109 another person, or (I) the holder has been found by a law enforcement
110 unit, pursuant to procedures established by such unit, to be lacking in
111 the standards for a police officer established by the council pursuant to
112 subdivision (21) of subsection (a) of this section. Whenever the council
113 believes there is a reasonable basis for cancellation or revocation of the
114 certification of a police officer, police training school or law
115 enforcement instructor, it shall give an adequate opportunity for a
116 hearing prior to such cancellation or revocation. Any police officer or
117 law enforcement instructor whose certification is cancelled or revoked
118 pursuant to this section may reapply for certification no sooner than
119 two years after the date on which the cancellation or revocation order
120 becomes final. Any police training school whose certification is
121 cancelled or revoked pursuant to this section may reapply for
122 certification at any time after the date on which such order becomes
123 final.

124 (3) (A) A law enforcement unit may report to the council any police
125 officer misconduct in violation of the standards established pursuant
126 to subdivision (21) of subsection (a) of this section, and shall report
127 such misconduct upon the police officer's termination, resignation or
128 separation from the law enforcement unit.

129 (B) Upon request of a law enforcement unit conducting a
130 background investigation of an applicant for the position of a police
131 officer, another law enforcement unit employing, previously
132 employing or having conducted a complete or partial background
133 investigation on the applicant, shall advise the requesting unit of any
134 known misconduct in violation of the standards established pursuant
135 to subdivision (21) of subsection (a) of this section.

136 (C) The council or any law enforcement unit that provides the

137 information specified in subparagraphs (A) and (B) of this subdivision
138 shall be immune from any civil liability unless the information is
139 provided with a reckless, wilful or wanton disregard for its accuracy.

140 (d) Notwithstanding the provisions of subsection (b) of this section,
141 any police officer, except a probationary candidate, who is serving
142 under full-time appointment on July 1, 1982, shall be deemed to have
143 met all certification requirements and shall be automatically certified
144 by the council in accordance with the provisions of subsection (a) of
145 section 7-294e.

146 (e) The provisions of this section shall apply to any person who
147 performs police functions. As used in this subsection, "performs police
148 functions" for a person who is not a police officer, as defined in section
149 7-294a, means that in the course of [his] such person's official duties,
150 such person carries a firearm and exercises arrest powers pursuant to
151 section 54-1f or engages in the prevention, detection or investigation of
152 crime, as defined in section 53a-24. The council shall establish criteria
153 by which the certification process required by this section shall apply
154 to police officers.

155 (f) The provisions of this section shall not apply to (1) any state
156 police training school or program, (2) any sworn member of the
157 Division of State Police within the Department of Public Safety, (3)
158 Connecticut National Guard security personnel, when acting within
159 the scope of their national guard duties, who have satisfactorily
160 completed a program of police training conducted by the United States
161 Army or Air Force, (4) employees of the Judicial Department, [(5)
162 sheriffs or deputy sheriffs trained by the Sheriffs' Advisory Board
163 pursuant to section 6-32b, (6)] (5) municipal animal control officers
164 appointed pursuant to section 22-331, or [(7)] (6) fire police appointed
165 pursuant to section 7-313a. The provisions of this section with respect
166 to renewal of certification upon satisfactory completion of review
167 training programs shall not apply to any chief inspector or inspector in
168 the Division of Criminal Justice who has satisfactorily completed a
169 program of police training conducted by the division."